

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:30 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

**NINTH DAY**

(Thursday, January 24, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Edwards, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Traeger, Truan, Uribe, Washington, Williams.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

A quorum was announced present.

Senator John Leedom offered the invocation as follows:

Dear Heavenly Father, we thank Thee for the opportunity to come together as a body to deliberate upon the needs and opportunities for the citizens of this State. We pray that You guide us in our deliberations at all times, that whatever we do would be pleasing to Thy will and would be foremost in the center of our actions. We ask for travel mercies on this weekend so as we go back to our districts, You would protect us. Bless this whole body and all that it represents. In Christ's name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Sharp was granted leave of absence for today on account of illness in family on motion of Senator Traeger.

Senator Farabee was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Williams.

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator Uribe.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Edwards.

## MESSAGE FROM THE HOUSE

House Chamber  
January 24, 1985

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 26**, Expressing support for the basing of a Navy battleship task force as a Texas port.

**H.C.R. 27**, Honoring the East Texas Crisis Center.

**S.C.R. 26**, Commending the French High School Buffaloes.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

## REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

**S.B. 76**

Senator Blake submitted the following report for the Committee on Administration:

**C.S.S.R. 8**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

**S.C.R. 6**

**S.B. 54**

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 137**

**C.S.S.B. 17**

## SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 232** by Mauzy Finance  
Relating to the exemption from franchise tax for certain transportation companies, sleeping, palace car, and dining companies.

**S.B. 233** by Leedom State Affairs  
Relating to the processing of claims and accounts and the issuance of warrants.

**S.B. 234** by Harris Finance  
Relating to the exemption from Metropolitan Transit Authority local tax for items sold and shipped to a point outside of the Metropolitan Transit Authority.

**S.B. 235** by Whitmire Education  
Relating to deductions from the salaries of school district employees for dues to professional organizations.

**S.B. 236** by Parker Intergovernmental Relations  
Relating to the right of employees of political subdivisions to designate a part of their earned income for transfer to organizations or agencies of their own choosing.

**S.B. 237** by Traeger Finance  
Relating to certain taxes administered by the Comptroller of Public Accounts.

**S.B. 238** by Lyon Education  
Relating to exempting learning disabled students from grade requirements for participation in extracurricular activities.

**S.B. 239** by Montford Health and Human Resources  
Relating to the regulation of dentists, dental hygienists, and dental labs.

**S.B. 240** by McFarland State Affairs  
Relating to the interpretation of credit law by the consumer credit commissioner.

**S.B. 241** by Traeger Intergovernmental Relations  
Relating to the place that the Court of Appeals for the Fourth Supreme Judicial District transacts business; amending Title 39, Revised Statutes, as amended, by adding Article 1817g.

**S.B. 242** by Edwards, Sharp State Affairs  
Relating to benefits payable on the death of a member or retiree of the Teacher Retirement System of Texas.

**S.B. 243** by Mauzy Intergovernmental Relations  
Relating to the right of fire and police personnel to engage in certain political activities.

**S.B. 244** by Sarpalius Education  
Relating to grade requirements for participation in extracurricular activities.

#### CO-AUTHOR OF SENATE BILL 2

On motion of Senator Farabee and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 2**.

#### SENATE RESOLUTION 36

Senator Jones offered the following resolution:

WHEREAS, January 27, 1985, is the 53rd birthday of Senator Bill Sims, who represents the state's largest district covering more than 65,000 square miles and 38 West Texas counties; and

WHEREAS, A native of San Angelo, this distinguished Member represents the West Texas philosophies of the 25th Senatorial District well; and

WHEREAS, As a member of the Education, Intergovernmental Affairs, and Natural Resources committees and as Vice-Chairman of the Subcommittee on Energy, Senator Sims has established himself as a powerful and conscientious spokesman on behalf of all Texas citizens; and

WHEREAS, Senator Sims is blessed with the strong and unwavering support of his wife, Sue, and his children, Billy Lowe Sims and Sue Ann Sims Setzler; and

WHEREAS, Senator Sims has gained the admiration of his colleagues as one of the most diligent and astute members of the Legislature; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby honor Senator Bill Sims on the occasion of his 53rd birthday and wish him many happy returns; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the Senator as an expression of esteem and friendship from his fellow Senators.

The resolution was read and was adopted.

#### **SENATE RESOLUTION 34**

Senator Blake offered the following resolution:

**S.R. 34**, Extending congratulations to Landon Alford on his selection as "East Texan of the Year."

The resolution was read and was adopted.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

#### **NOMINEES CONFIRMED**

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 25, Nays 0.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

Secretary of State: MYRA McDANIEL, Travis County.

Member, State Purchasing and General Services Commission: RICHARD C. STRAUSS, Dallas County.

Member, Texas Employment Commission: MARY SCOTT NABERS, Travis County.

Member, Credit Union Commission: DENNIS MORGAN, Wharton County.

Member, State Board of Dental Examiners: LYDIA EVARO TORRES, Midland County.

Members, Battleship Texas Advisory Board: JOE S. CATHEY, Harris County; PHILIP L. CHUMLEA, Harris County; ROBERT M. EWING, Dallas County; MRS. CAROLINE K. GREGORY, Harris County; DENNY G. HAIR, Harris County; MRS. ROSALIE L. KUNTZ, Harris County; STEVEN LUNSFORD, Galveston County; THOMAS MITCHELL, Harris County; FRANK E. TRITICO, Harris County.

Branch Pilot for the Port Aransas Bar, Corpus Christi Bay and Tributaries: CAPTAIN BUFORD EARL McRAE, Nueces County.

Branch Pilot for the Ports of Galveston County: CAPTAIN JACK H. SMITH, Galveston County.

Branch Pilots for the Galveston Bar and Houston Ship Channel: CAPTAIN FRANCIS MICHAEL KERSHAW, Harris County; CAPTAIN LESLIE D. PALMER, Harris County; CAPTAIN JACK W. ROWLAND, Galveston County; CAPTAIN JIMMIE LEE WILLIAMS, Harris County.

Branch Pilots for the Sabine Bar, Pass and Tributaries: CAPTAIN WILLIAM J. BARAN, Jefferson County; CAPTAIN ROBERT C. BROWN, Jefferson County; CAPTAIN MICHAEL J. CASEY, Jefferson County; CAPTAIN MICHAEL J. GERDES, Jefferson County; CAPTAIN MILLARD A. SCOTT, Jefferson County; CAPTAIN KONSTANTINOS I. SELINIDIS, Jefferson County; CAPTAIN THOMAS B. SMITH, Jefferson County.

Members, Pilot Commission for the Port of Galveston and Texas City: CLIFF BURKS, Galveston County; CARL GAY, Galveston County; PATRICIA GRAY, Galveston County; CHARLES JORDAN, Galveston County.

Judge, 264th Judicial District, Bell County: JACK W. PRESCOTT, Bell County.

#### **SENATE BILL 27 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 27**, Relating to the repeal of certain legal provisions concerning the lease or sale of a county hospital.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 27 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 27** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

The bill was read third time and was passed.

#### **SENATE BILL 80 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 80**, Relating to the supplemental compensation of the judges of the district courts having jurisdiction in Taylor County.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 80 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 80** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

#### **COMMITTEE SUBSTITUTE SENATE BILL 78 ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 78**, Relating to the attorney representing the state before the courts in Coleman County.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 78 ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 78** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

#### **SENATE BILL 117 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 117**, Relating to the jurisdiction of and the practice in the statutory probate courts in Bexar County.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Amend **S.B. 117** on page 1, line 11, by striking "and criminal".

The committee amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 117 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 117** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Farabee, Glasgow, Mauzy, Sharp, Whitmire.

The bill was read third time and was passed.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**H.C.R. 22** - (Washington): Commending The Reverend Joe Samuel Ratliff.

**H.C.R. 27** - (Lyon): Honoring the East Texas Crisis Center.

**S.R. 31** - By Sharp: Extending welcome to Dr. Robert A. Williamson, Capitol Physician for the Day.

**S.R. 35** - By Henderson: Commending the Houston Junior Volleyball Stars.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:33 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, January 28, 1985.

**APPENDIX**

Sent to Governor  
(January 24, 1985)

**S.C.R. 12**

**S.C.R. 16**

**TENTH DAY**

(Monday, January 28, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Brooks, Sims.

A quorum was announced present.

The Reverend John D. Hardin, Pastor, Mount Olive Missionary Baptist Church of Jasper, offered the invocation as follows:

Our Father and our God, we thank Thee for this day and this opportunity. We thank Thee for our leaders whom You have chosen to serve, for You have given them the wisdom, knowledge and understanding to lead us. Paul said let every soul be subject unto the higher powers, for there is no power but of God, the powers that are ordained of God. Paul also said whosoever therefore resisteth the power, resisteth the ordinance of God. May we as citizens learn to obey our leader and the laws of the land. It's wonderful to live in our country and state, where we may set our own destiny, where freedom reigns in our state and in our lives. But the greatest of all laws is the one that Jesus gave, the new commandment, which says, a new commandment I give unto You, that ye love one another as I have loved you, that ye also love one another.

Guide us Lord, for we have not passed this way before, take care of our leaders, their families, their wives, mothers, fathers, and children, and when life must end and we too must quit this walk of life, may we say as Paul, If God be for us who can be against us, I have fought a good fight, I have finished my course, I have kept